

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JONATHAN VILLAREAL,
individually and derivatively on behalf of
ZROBLACK LLC,
Plaintiff,

v.

JOHN SAENZ; MIGUEL VILLAREAL,
JR.; and GUNN, LEE & CAVE, P.C.,
Defendants.

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No. 5:20-CV-00571-OG

ORDER DENYING PLAINTIFF'S
MOTION TO SANCTION PURSUANT TO FED. R. CIV. P. 11

The Motion to Sanction Pursuant to Fed. R. Civ. P. 11 (the "Motion") filed by Plaintiff Jonathan Villareal, Individually, is hereby **DENIED** in all things.

It is further **ORDERED** that Defendant John Saenz is awarded his reasonable expenses, including attorneys' fees and costs, incurred in opposing the Motion in an amount to be determined at a later hearing. *See* FED. R. CIV. P. 11 Advisory Committee's Note (1993 Amendments, Subdivisions (b) and (c)) ("[T]he filing of a motion for sanctions is itself subject to the requirements of [FRCP 11] and can lead to sanctions.... [T]he court may award to the person who prevails on a motion under Rule 11—whether the movant or the target of the motion—reasonable expenses, including attorney's fees, incurred in presenting or opposing the motion.").

It is further **ORDERED** that the remaining claims of Plaintiff ZroBlack, LLC against Defendant John Saenz are hereby dismissed with prejudice. *See Memon v. Allied Domecq QSR*, 385 F.3d 871, 873 (5th Cir. 2004) (noting that corporations, partnerships and associations cannot appear in federal court otherwise than by licensed counsel and discussing the parameters for dismissal with prejudice when a non-attorney purports to appear on behalf of the entity). Because Plaintiff Jonathan

Villareal has no remaining claims in his individual capacity following the Court's Order dated August 4, 2021 (ECF No. 67), this Order finally disposes of all of Plaintiffs' claims and causes of action against Defendant John Saenz.

So **ORDERED** this _____ day of _____, 2021.

The Hon. Orlando L. Garcia,
Chief United States District Judge